

REMARKS

The Examiner's action of May 19, 2006 is noted in which the claims are rejected under 35 USC 103 as being unpatentable over the Schoenberg patent and the Chaco et al. patent in view of the Zak et al. patent.

Applicant has further amended Claim 1 to take out language relating to the size of the patient history file that is transmitted to the site, thereby further avoiding any 35 USC 112 problems.

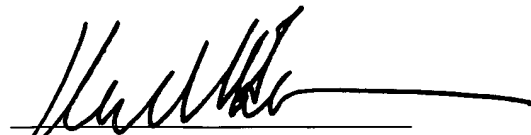
Applicant provides herewith a Rule 131 Declaration swearing behind both the Schoenberg reference and the Zak et al. reference, indicating that the Applicant had the concept of the subject invention prior to the effective filing dates of either Schoenberg or Zak et al. and was diligent from a date prior to either of those filing dates until the date that the Applicant filed the subject patent application.

It is noted that there is month-by-month activity from the concept from a date prior to the Schoenberg and Zak et al. filing dates up to and through the date of the filing of the subject patent application.

The Examiner is therefore requested to remove the Schoenberg and the Zak et al. references. As a result, the claims are in condition for allowance.

Allowance of the claims and issuance of the case is earnestly solicited. Alternatively, entry of this Amendment for purposes of appeal is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert K. Tandler', written over a horizontal line.

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